

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:04cr271

UNITED STATES OF AMERICA

vs.

ILA LITTLE HOWARD (3)

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ORDER

THIS MATTER is before the Court upon motion of the defendant pro se for a reduction of sentence based on the retroactive amendments to the United States Sentencing Guidelines relating to crack cocaine. (Doc. No. 422).

The defendant received an effective sentence of 210 months' imprisonment based on her guilty pleas to conspiracy to transport minors in interstate commerce for prostitution and other offenses; wire fraud; conspiracy to commit money laundering; and conspiracy to possess cocaine base with intent to distribute using minors. (Doc. No. 353: Judgment). The offense level was determined by the grouping rules and driven by the money laundering and prostitution guidelines. (Doc. No. 354: Statement of Reasons (SOR) at 1; Doc. No. 371: Presentence Report (PSR) at ¶ 39). The amount of crack cocaine attributable to the defendant did not affect the calculation of the guideline range. (Doc. No. 371: PSR at ¶¶ 39-77). Accordingly, the defendant is not eligible for a sentence reduction under 18 U.S.C. § 3582(c) based on crack cocaine amendments because these other guideline provisions prevent lowering the guideline range in her case. USSG §1B1.10 comment. (n.1(A)(ii)).

IT IS, THEREFORE, ORDERED that the defendant's motion is **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, the Community Defender, the United States Attorney, the United States Marshals Service, and the United States Probation Office.

Signed: August 29, 2008

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

